

Notice of Allowability

Application No.

10/068,402

Examiner

Ngoc K. Vu

Applicant(s)

HARRIS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/1/03, 5/1/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tung Nguyen on May 9, 2006.

The application has been amended as follows:

In the claims:

Claim 20, line 1, "step of" has been deleted.

Claim 21, line 1, "step of" has been deleted.

Claim 40, line 1, "step of" has been deleted.

Claim 41, line 1, "step of" has been deleted.

Claim 50, line 20, after "the first set of web services", --data-- has been inserted.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art, Swix et al (US 6,718,551 B1) teach a method and system for providing targeted commercial presentation over a networked media delivery system based on subscriber's viewing habits; Kitazato et al (US 6,966,065 B1) teach scene data fetching means for extracting the data on an information transmission unit basis from the reception data, allowing the extracted data to be held in the memory, transmitting the information transmission unit as scene data stored in the memory means to scene data storing means for storing the scene data, and enabling the information transmission unit to be stored in the scene data

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storing means, and scene output means for enabling a scene output to be performed by using desired scene data from the scene data stored in the scene data stored in the scene data storing means. Namely, Swix et al teach that when a subscriber orders the feature movie presentation, the pay-per-view service prepares to send the movie along with the commercials that will precede and follow the movie. The system analyzes the event data and additional data, classifies the viewer in a certain group, and delivers a commercial targeted for that group from headend. The system delivers this commercial as a full screen video stream played prior to or after the showing of the feature movie presentation. One of the methods to deliver targeted advertisements is providing bit map or video advertisements during an interactive television session as part of menu screens or as a part of a dynamic advertisement insertion in a playlist. The system of Swix comprises a server 102 storing the display data, interactive television database 120 providing data related to the services a customer has purchased or used over interactive television, survey database 126 storing viewing habits, wherein the server 102 is connected to distribution network 106 for communication with at least one subscriber 108 (see col. 6, lines 26-38; col. 7, lines 19-30; col. 7, line 59 to col. 8, line 2; col. 9, lines 48-52; col. 12, lines 47-66; and figure 1). The system of Kitzato teaches that when it is necessary to switch the scenes by the operation of the user, the priorities are allocated in accordance with the degrees of possibilities of switching. As shown in figure 25, a plurality of scenes A-D is prepared under a certain application and a format of the transition between the scenes. In case of the scene A, the transition to the scene B, C, or E can be performed. In case of scene C, the transition to the scene A, B, or D can be performed. If there is a request to call the scene E by the operation of the user, the transition from the scene A to the scene E is performed in response to it. (See col. 33, lines 17-24; col. 35, lines 8-16; col. 36, lines 21-28 and 36-42; col. 36, line 65 to col. 37, line 37; figures 25 and 26).

Both Swix and Kitzato fail to teach the limitations “receiving a request from the client terminal for a first media file corresponding to a display element of a first scene in the content definition”, “receiving a request from the client terminal for a second media file corresponding to a display element of a second scene in the content definition, wherein the selection of the second scene is based upon the transition of the first scene; retrieving the second media file from the media repository; transmitting the second media file to the client terminal” as recited in claims 1 and 42; “receiving a request from the client terminal for a first set of web services data corresponding to a display element of a first scene in the content definition”, “receiving a request from the client terminal for a second set of web services data corresponding to a display element of a second scene in the content definition, wherein the selection of the second scene is based upon the transition of the first scene; retrieving the second set of web services data from the media repository; transmitting the second set of web services data to the client terminal” as recited in claims 22 and 50.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hendricks et al. (US 6,539,548 B1) teach a television system for packaging and delivery television programming and program information. Cristofalo (US 20020166119 A1) teaches a system and method for providing targeted programming outside of the home. Tomsen et al. (US 20020104086 A1).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
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May 15, 2006